

## UNITED STATES DISTRICT COURT

for the  
Western District of Oklahoma

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
JOHN MIGUEL SWAN

Case No. MJ-24- 347 -SM

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

John Miguel Swan, black male, DOB XX-XX-1983, USMS #: 26558-064

located in the Western District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

Saliva, for purpose of conducting DNA testing.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

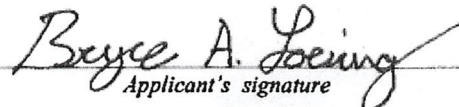
Code Section  
18 U.S.C. § 922(g)(1)

Offense Description  
Felon in Possession of Ammunition

The application is based on these facts:

See attached Affidavit of Special Agent Bryce Loesing, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), which is incorporated by reference herein.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Bryce Loesing, Special Agent ATF  
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/17/24

City and state: Oklahoma City, Oklahoma

  
Judge's signature

SUZANNE MITCHELL, United States Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT**

I, Bryce Loesing, with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Oklahoma City, being duly sworn, depose and state under oath as follows:

1. I am an investigative or law enforcement officer of the United States and am empowered by law to conduct investigations of and to make arrests for offenses set forth in United States Code, Titles 18 and 21.

2. I am a Special Agent with ATF located in Oklahoma City, Oklahoma. I have been employed with ATF since May of 2022. As part of my duties as a Special Agent with ATF, I investigate criminal violations related to firearms trafficking and the illegal possession of firearms by prohibited persons. I have been involved in several investigations involving illegal firearms possession, as well as domestic and international firearms trafficking. I have received specialized training and have developed knowledge from more experienced agents in investigating the illicit purchase, transportation, sale, possession, and trafficking of firearms in violation of Federal Law. Prior to working for ATF, I was a certified police officer in the State of Kansas for approximately 8 years. During my time as a certified police officer, I worked as a patrol officer and investigated various misdemeanor and felony crimes including, but not limited to: murder, violent persons crimes, property crimes, traffic enforcement, motor vehicle accidents, and weapon violations. From January 2019 through April 2022, I was assigned as a member of the part time Wichita, Kansas, Police Department Bomb Squad/Clandestine Lab Unit. During my time with the Bomb Squad/Clandestine Lab Unit, I participated in over ten search warrants

involving the manufacture and/or use of explosives, and/or controlled substances. I am a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigations Training Program (CITP) and the ATF National Academy. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and violations and am well versed in a multitude of investigative methods, including working confidential sources, interviews, arrests, search warrants, and analyzing cellular phone data. In addition to my specialized training and experience, I obtained a Bachelor of Science in Criminal Justice from Wichita State University in May 2014.

3. I make this affidavit in support of the issuance of a search warrant to search the person of **John Miguel SWAN** (BM; DOB: 11/08/1983), to seize a deoxyribonucleic acid (DNA) sample from **SWAN** as evidence of a crime. This DNA sample is necessary for comparison to unknown forensic evidence collected from a 9mm firearm magazine. As further outlined below, there is probable cause to believe that **SWAN** possessed this firearm magazine on September 9, 2020.

4. Based on my training and experience, I know that it is possible and likely to transfer DNA onto most items that a person touches or otherwise comes into contact with, including firearms and ammunition. The retrieval of a DNA sample from **SWAN** will allow forensic comparison against any DNA recovered from the above-mentioned firearm magazine, which fell from **SWAN's** person when he was taken into custody by Oklahoma City Police Department (OCPD) officers.

5. Through my training and experience, I know DNA can be found in both the blood and saliva of a human being. I also know DNA can be collected in a relatively

unobtrusive manner by utilizing a buccal swab to obtain a saliva sample from the inside of a subject's mouth. If authorized by court order, law enforcement intends to collect a buccal swab from SWAN to obtain a DNA sample for comparison purposes. The intended manner of collecting SWAN's DNA on a buccal swab will be to use a Q-tip to swab the inside cheek of SWAN's mouth.

6. This Affidavit contains information necessary to support probable cause for this application for a search warrant. It is not intended to include every fact or matter observed by me or known by law enforcement. While some of the information provided herein is based on my personal knowledge and observations, most of the information was conveyed to me by other law enforcement officials—in particular Erik Howell and Justin Bailey, officers assigned to the OCPD Violent Crimes Unit—and obtained from my review of records, documents, and other physical evidence collected during the course of this investigation.

#### **BACKGROUND OF INVESTIGATION**

7. I know from my training and experience that pursuant to 18 U.S.C. § 922(g)(1), it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

8. On September 9, 2020, at approximately 5:00 p.m., uniformed personnel of the OCPD Violent Crime Apprehension Team received an anonymous tip that SWAN was

hiding at a residence located at 10901 NE 38th St., Oklahoma City, Oklahoma. The officers confirmed SWAN had one outstanding felony warrant for Domestic Assault and Battery with Great Bodily Injury and Domestic Assault and Battery by Strangulation. Officers surrounded the residence and observed SWAN run inside.

9. SWAN could be seen inside the residence by officers standing at the front door. The officers gave SWAN verbal commands to come to the front door. SWAN cracked open the front door and was pulled out of the residence by an officer and placed on his stomach on the front porch. As SWAN was taken to the floor, a loaded 9mm firearm magazine fell from SWAN's person, as witnessed by Officers Erik Howell and Justin Bailey.

10. The loaded 9mm firearm magazine was collected as evidence by Officer Erik Howell. OCPD Sergeant Moore swabbed the magazine for DNA.

11. A criminal records check revealed multiple cases of conviction for SWAN:

- a. In 2001, in Oklahoma County District Court Case CF-2001-6391, SWAN was convicted of one (1) count of possession of a controlled substance with intent to distribute.
- b. In 2006, in Oklahoma County District Court Case CF-2004-6508, SWAN was convicted of one (1) count of unlawful use of a motor vehicle.
- c. In 2011, in Oklahoma County District Court Case CF-2020-5511, SWAN was convicted of one (1) count of possession of a firearm by a convicted felon.
- d. In 2011, in Oklahoma County District Court Case CF-2009-835, SWAN

was convicted of one (1) count of possession of a controlled substance (marijuana) after a felony conviction and one (1) count of possession of a firearm by a felon.

- e. In 2012, in Oklahoma County District Court Case CF-2010-5511, **SWAN** was convicted of one (1) count of possession of a firearm by a convicted felon.

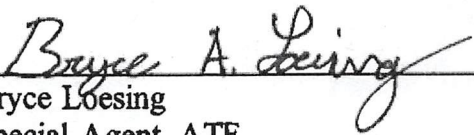
All of these crimes are punishable by more than one year in prison.

12. **SWAN** is currently in custody at the Grady County Federal Correctional Institution, 215 N. 3<sup>rd</sup> St, Chickasha, Oklahoma, in connection with Western District of Oklahoma Court Case No. CR-21-028-F.

13. Based on these facts, I respectfully submit that there is probable cause to believe that **John Miguel SWAN** committed the offense of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), and that a search of **SWAN's** person to obtain a DNA sample may yield evidence further linking him to this September 9, 2020, possession of a loaded 9mm firearm magazine. I, therefore, respectfully request that a search warrant be issued authorizing the search of the person of **John Miguel SWAN** to obtain two buccal swab DNA samples from the mouth of **SWAN**. Should this search warrant issue, agents/officers will obtain these samples in the normally accepted forensic manner. The DNA samples collected from **SWAN** will be compared to any and all DNA

recovered from the firearm magazine that was collected on September 9, 2020, shortly after SWAN was taken into custody.

FURTHER AFFIANT SAYETH NOT.

  
Bryce Loesing  
Special Agent, ATF

SUBSCRIBED AND SWORN to before me on this 17<sup>th</sup> day of April 2024.

  
SUZANNE MITCHELL  
United States Magistrate Judge